

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUNIOR GUFATASI TULALI,

Defendant.

Case No. 4:23-cr-00003-SLG-KFR-1

COURT'S PHASE II JURY INSTRUCTIONS

DATED: April 19, 2024

/s/ Sharon L. Gleason

UNITED STATES DISTRICT JUDGE

Instruction #25

Now that you have completed your initial deliberations, there is one additional matter for you to consider:

In this case, a portion of the indictment not previously discussed at this trial alleges that before committing the offense charged in Count 1, the defendant had been convicted of a serious drug felony. The government may now present evidence to you as to this count.

The instructions previously given to you concerning your consideration of the evidence, the credibility of the witnesses, your duty to deliberate together, and the necessity of a unanimous verdict apply during your deliberations as to this count.

In your deliberations, you may consider any evidence admitted before or after your previous deliberations, including witness testimony, exhibits, and stipulations. But I remind you that the lawyer's statements are not evidence.

You should not reconsider whether the defendant is guilty or not guilty on Count 1. Your previous verdict is final.

Instruction #26

The indictment alleges that before committing the offense charged in Count 1, the defendant had been convicted of a serious drug felony, for which he served a term of imprisonment of more than 12 months and was released within 15 years of commencing the conduct charged in Count 1. For you to find this fact, the government must prove each of the following elements beyond a reasonable doubt:

First, that before committing the offense charged in Count 1, the defendant had been convicted of Possession with the Intent to Distribute Cocaine Base, in violation of Title 21 of the United States Code, Section 841(a)(1).

Second, that the defendant served a term of imprisonment of more than 12 months for that conviction; and

Third, that the defendant was released from the term of imprisonment imposed for that conviction within 15 years of the commencement of the offense charged in Count 1.

Instruction #27

Another verdict form has been prepared for you. You will each receive your own copy of the verdict form, but the goldenrod-colored verdict form is the official verdict form that you will return to the court.

After you have reached unanimous agreement on a verdict, your foreperson should complete the goldenrod-colored verdict form according to your deliberations, sign and date it, and advise the clerk that you are ready to return to the courtroom.